

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings of claims in the application:

LISTING OF CLAIMS:

Claims 1-13 (Canceled)

14. (New) An information recording apparatus for recording record information onto an information recording medium comprising: a first recording layer on which the record information is recorded by irradiating thereon laser light; and a second recording layer on which the record information is recorded by irradiating thereon the laser light through the first recording layer,

said information recording apparatus comprising:

a recording device for recording the record information into the first recording layer or the second recording layer by irradiating thereon the laser light;

a first controlling device for controlling said recording device to record the record information into a first object area which is a recording area of the second recording layer which is irradiated with the laser light passing through a recorded area of the first recording layer in which the record information is already recorded; and

a second controlling device for controlling said recording device to record the record information into a

second object area which is a recording area of the second recording layer which is irradiated with the laser light passing through an unrecorded area smaller than a predetermined width, out of an unrecorded area which are adjacent to the recorded area.

15. (New) The information recording apparatus according to claim 14, wherein

the unrecorded area is a border-in area, and

said second controlling device controls said recording device to record the record information into the second object area which is irradiated with the laser light passing through the border-in area.

16. (New) The information recording apparatus according to claim 14, further comprising a third controlling device for controlling said recording device to record the record information while preparing the unrecorded area having a width less than the predetermined width, if recording the record information into the first recording layer while preparing the unrecorded area following the recorded area.

17. (New) The information recording apparatus according to claim 14, wherein the predetermined width is a numerical

value determined by a recording unit of the record information.

18. (New) The information recording apparatus according to claim 14, wherein the predetermined width is a numerical value determined depending on a radial position of the information recording medium.

19. (New) The information recording apparatus according to claim 14, wherein the predetermined width corresponds to a size of a beam radius of the laser light on the first recording layer in the case that the second recording layer is irradiated with the laser light.

20. (New) The information recording apparatus according to claim 17, wherein

the information recording medium has a record track on which the record information is recorded and which is distributed concentrically or spirally, and

the numerical value is a data size of the record information which can be recorded onto the record track which is included in the predetermined width at least partially.

21. (New) The information recording apparatus according to claim 17, further comprising a first storing device for

storing therein size information for indicating the numerical value.

22. (New) The information recording apparatus according to claim 14, wherein said recording device records position information for indicating a position of the unrecorded area, onto the information recording medium.

23. (New) The information recording apparatus according to claim 14, further comprising a fourth controlling device for controlling said recording device to record the record information while preparing a plurality of unrecorded areas, each of which has a width less than the predetermined width, if recording the record information into the first recording layer while preparing the unrecorded area which has a width is greater than the predetermined width following the recorded area.

24. (New) The information recording apparatus according to claim 23, wherein the record information is recorded such that a width between one and another unrecorded areas, prepared by control of said fourth controlling device, has a size greater than the predetermined width.

25. (New) The information recording apparatus according to claim 14, wherein said first controlling device controls said recording device to record the record information into an object area portion other than at least one portion of an edge portion of the first object area.

26. (New) The information recording apparatus according to claim 25, wherein said second controlling device controls said recording device to record the record information into the at least one portion which is adjacent to the second object area.

27. (New) A computer program product in a computer-readable medium for tangibly embodying a program of instructions_executable by a computer provided for the information recording apparatus, said computer program making the computer function as at least one portion of a recording device, a first controlling device and a second controlling device,

said information recording apparatus for recording record information onto an information recording medium comprising: a first recording layer on which the record information is recorded by irradiating thereon laser light; and a second recording layer on which the record information is recorded by

irradiating thereon the laser light through the first recording layer,

said information recording apparatus comprising:

said recording device for recording the record information into the first recording layer or the second recording layer by irradiating thereon the laser light;

said first controlling device for controlling said recording device to record the record information into a first object area which is a recording area of the second recording layer which is irradiated with the laser light passing through a recorded area of the first recording layer in which the record information is already recorded; and

said second controlling device for controlling said recording device to record the record information into a second object area which is a recording area of the second recording layer which is irradiated with the laser light passing through an unrecorded area smaller than a predetermined width, out of an unrecorded area which are adjacent to the recorded area.